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3 **DECISION AND ORDER**
4 **OF THE**
5 **BOARD OF PSYCHOLOGY**

6 **DEPARTMENT OF CONSUMER AFFAIRS**
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9 The attached Stipulated Settlement and Disciplinary Order in case number W267 is
10 hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer
11 Affairs. An effective date of June 11th, 2005 has been assigned to this
12 Decision and Order.

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14 Made this 12th day of May, 2005.

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18 Jacqueline Horn, Ph.D.
19 President, Board of Psychology
20 Department of Consumer Affairs
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1 BILL LOCKYER, Attorney General
of the State of California
2 VLADIMIR SHALKEVICH, State Bar No. 173955
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. W267

11 SANDEE A. SCHUSTER, PH.D.
1930 S. Brea Canyon Road, C-270
12 Diamond Bar, CA 91765

OAH No. L-2004030205

13 Psychologist License No. PSY9337

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.

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16 IT IS HEREBY STIPULATED AND AGREED by and between the
17 parties to the above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the
20 Board of Psychology. He brought this action solely in his official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
22 Vladimir Shalkevich, Deputy Attorney General.

23 2. Respondent Sandee A. Schuster, Ph.D. (Respondent) is represented
24 in this proceeding by attorney H.R. Cromwell, III, whose address is 620 Newport Center
25 Drive, 11th Floor, Newport Beach, CA 92660.

26 3. On or about February 24, 1986, the Board of Psychology issued
27 Psychologist License No. PSY9337 to Sandee A. Schuster, Ph.D. (Respondent). The
28 Psychologist was in full force and effect at all times relevant to the charges brought in

1 Accusation No. W267 and will expire on October 31, 2005, unless renewed.

2 JURISDICTION

3 4. Accusation No. W267 was filed before the Board of Psychology
4 (Board), Department of Consumer Affairs, and is currently pending against Respondent:
5 The Accusation and all other statutorily required documents were properly served on
6 Respondent on January 23, 2004. Respondent timely filed her Notice of Defense
7 contesting the Accusation. A copy of Accusation No. W267 is attached as exhibit A and
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. W267. Respondent has also
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter,
15 including the right to a hearing on the charges and allegations in the Accusation; the right
16 to be represented by counsel at her own expense; the right to confront and cross-examine
17 the witnesses against her; the right to present evidence and to testify on her own behalf;
18 the right to the issuance of subpoenas to compel the attendance of witnesses and the
19 production of documents; the right to reconsideration and court review of an adverse
20 decision; and all other rights accorded by the California Administrative Procedure Act
21 and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and
23 gives up each and every right set forth above.

24 CULPABILITY

25 8. Respondent understands and agrees that the charges and allegations
26 in Accusation No. W267, if proven at a hearing, constitute cause for imposing discipline
27 upon her Psychologist License.

28 9. For the purpose of resolving the Accusation without the expense

1 and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant
2 could establish a factual basis for the charges in the Accusation, and that Respondent
3 hereby gives up her right to contest those charges.

4 10. Respondent agrees that her Psychologist License is subject to
5 discipline and she agrees to be bound by the Board's imposition of discipline as set forth
6 in the Disciplinary Order below.

7 11. Respondent understands and agrees that if she files a Petition
8 seeking early termination of her probation, all allegations, except paragraph 8 B (1),
9 contained in the Accusation Number W267, shall be deemed admitted for the exclusive
10 purposes of hearing, consideration and ruling upon said Petition.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Board of
13 Psychology. Respondent understands and agrees that counsel for Complainant and the
14 staff of the Board of Psychology may communicate directly with the Board regarding this
15 stipulation and settlement, without notice to or participation by Respondent or her
16 counsel. By signing the stipulation, Respondent understands and agrees that she may not
17 withdraw her agreement or seek to rescind the stipulation prior to the time the Board
18 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
19 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect,
20 except for this paragraph, it shall be inadmissible in any legal action between the parties,
21 and the Board shall not be disqualified from further action by having considered this
22 matter.

23 13. The parties understand and agree that facsimile copies of this
24 Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall
25 have the same force and effect as the originals.

26 14. In consideration of the foregoing admissions and stipulations, the
27 parties agree that the Board may, without further notice or formal proceeding, issue and
28 enter the following Disciplinary Order:

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1 Frequency of psychotherapy shall be determined upon recommendation of the treating
2 psychotherapist with approval by the Board or its designee; however, psychotherapy shall,
3 at a minimum, consist of one one-hour session per week. Respondent shall continue
4 psychotherapy until released by the approved psychologist and approved by the Board or
5 its designee. The Board or its designee may order a re-evaluation upon receipt of the
6 therapist's recommendation.

7 Respondent shall execute a release authorizing the therapist to provide to
8 the Board any information the Board or its designee deems appropriate, including
9 quarterly reports of respondent's therapeutic progress. Respondent shall furnish a copy of
10 this Decision to the therapist. If the therapist determines the respondent cannot continue
11 to independently render psychological services, with safety to the public, he/she shall
12 notify the Board immediately.

13 Respondent shall pay all costs associated with the psychological
14 evaluation and ongoing psychotherapy. Failure to pay costs will be considered a violation
15 of the probation order.

16 2. PRACTICE / BILLING MONITOR Within 90 days of the
17 effective date of this Decision, respondent shall submit to the Board or its designee for
18 prior approval, the name and qualifications of a psychologist who has agreed to serve as a
19 practice monitor/billing monitor. The monitor shall 1) be a California-licensed
20 psychologist with a clear and current license; 2) have no prior business, professional,
21 personal or other relationship with respondent; and 3) not be the same person as
22 respondent's therapist. The monitor's education and experience shall be in the same field
23 of practice as that of the respondent.

24 Once approved, the monitor shall submit to the Board or its designee a
25 plan by which respondent's practice shall be monitored. Monitoring shall consist of a
26 least one hour per week of individual face to face meetings and shall continue during the
27 entire probationary period. The respondent shall provide the monitor with a copy of this
28 Decision and access to respondent's fiscal and/or patient records. Respondent shall obtain

1 any necessary patient releases to enable the monitor to review records and to make direct
2 contact with patients. Respondent shall execute a release authorizing the monitor to
3 divulge any information that the Board may request. It shall be respondent's
4 responsibility to assure that the monitor submits written reports to the Board or its
5 designee on a quarterly basis verifying that monitoring has taken place and providing an
6 evaluation of respondent's performance.

7 Respondent shall notify all current and potential patients of any term or
8 condition of probation which will affect their therapy or the confidentiality of their
9 records (such as this condition which requires a practice monitor/billing monitor). Such
10 notifications shall be signed by each patient prior to continuing or commencing treatment.

11 If the monitor quits or is otherwise no longer available, respondent shall
12 obtain approval from the Board for a new monitor within 30 days. If no new monitor is
13 approved within 30 days, respondent shall not practice until a new monitor has been
14 approved by the Board or its designee. During this period of non-practice, probation will
15 be tolled and will not commence again until the period of non-practice is completed.
16 Respondent shall pay all costs associated with this monitoring requirement. Failure to
17 pay these costs shall be considered a violation of probation.

18 3. NOTIFICATION TO EMPLOYER Respondent shall provide
19 each of his or her employers, where respondent is providing psychological services, a
20 copy of this Decision and the Accusation or Statement of Issues before commencing
21 employment. Notification to the respondent's current employer shall occur no later than
22 the effective date of the Decision. Respondent shall submit, upon request by the Board or
23 its designee, satisfactory evidence of compliance with this term of probation.

24 4. EDUCATIONAL REVIEW Respondent shall submit to an
25 educational review concerning the circumstances that resulted in this administrative
26 action. The educational review shall be conducted by a board-appointed expert familiar
27 with the case. Educational reviews are informational only and intended to benefit
28 Respondent's practice by preventing future such complaints. Respondent shall pay all

1 costs associated with this educational review.

2 5. COURSEWORK Respondent shall take and successfully
3 complete not less than 12 hours each year of probation in the following areas of Law and
4 Ethics, Billing and Recordkeeping. Coursework must be pre-approved by the Board or its
5 designee. All coursework shall be taken at the graduate level at an accredited educational
6 institution or by an approved continuing education provider. Classroom attendance is
7 specifically required; correspondence or home study coursework shall not count toward
8 meeting this requirement. The coursework must be in addition to any continuing
9 education courses that may be required for license renewal.

10 Within 90 days of the effective date of this Decision, respondent shall
11 submit to the Board or its designee for its prior approval a plan for meeting the
12 educational requirements. All costs of the coursework shall be paid by the respondent.

13 6. ETHICS COURSE Within 90 days of the effective date of this
14 Decision, respondent shall submit to the Board or its designee for prior approval a course
15 in laws and ethics as they relate to the practice of psychology. Said course must be
16 successfully completed at an accredited educational institution or through a provider
17 approved by the Board's accreditation agency for continuing education credit. Said
18 course must be taken and completed within one year from the effective date of this
19 Decision. The cost associated with the law and ethics course shall be paid by the
20 respondent.

21 7. INVESTIGATION/ENFORCEMENT COST RECOVERY
22 Respondent shall pay the Board its costs of investigation and enforcement in the amount
23 of \$3,000 within the first year of probation, or upon such terms as may be agreed to by
24 the Board in writing. Such costs shall be payable to the Board of Psychology and are to
25 be paid regardless of whether the probation is tolled. Failure to pay such costs shall be
26 considered a violation of probation.

27 The filing of bankruptcy by respondent shall not relieve respondent of the
28 responsibility to repay investigation and enforcement costs.

1 8. PROBATION COSTS Respondent shall pay the costs associated
2 with probation monitoring each and every year of probation. Such costs shall be payable
3 to the Board of Psychology at the end of each fiscal year (June 30). The costs of
4 probation monitoring vary from year to year, but are currently set at \$96.00 per month.
5 Failure to pay such costs shall be considered a violation of probation.

6 The filing of bankruptcy by respondent shall not relieve respondent of the
7 responsibility to repay probation monitoring costs.

8 9. OBEY ALL LAWS Respondent shall obey all federal, state, and
9 local laws and all regulations governing the practice of psychology in California
10 including the ethical guidelines of the American Psychological Association. A full and
11 detailed account of any and all violations of law shall be reported by the respondent to the
12 Board or its designee in writing within seventy-two (72) hours of occurrence.

13 10. QUARTERLY REPORTS Respondent shall submit quarterly
14 declarations under penalty of perjury on forms provided by the Board or its designee,
15 stating whether there has been compliance with all the conditions of probation. Quarterly
16 reports attesting to non-practice status are to be submitted if probation is tolled.

17 11. PROBATION COMPLIANCE Respondent shall comply with the
18 Board's probation program and shall, upon reasonable notice, report to the Board of
19 Psychology probation monitor. Respondent shall contact the assigned probation monitor
20 regarding any questions specific to the probation order. Respondent shall not have any
21 unsolicited or unapproved contact with 1) complainants associated with the case; 2)
22 Board members or members of its staff; or 3) persons serving the Board as expert
23 evaluators.

24 12. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent
25 shall appear in person for interviews with the Board or its designee upon request at
26 various intervals and with reasonable notice.

27 13. CHANGES OF EMPLOYMENT Respondent shall notify the
28 Board in writing, through the assigned probation monitor, of any and all changes of

1 employment, location, and address within 30 days of such change.

2 14. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR
3 IN-STATE NON-PRACTICE In the event respondent should leave California to reside
4 or to practice outside the State, or for any reason should respondent stop practicing
5 psychology in California, respondent shall notify the Board or its designee in writing
6 within ten days of the dates of departure and return or the dates of non-practice within
7 California. Non-practice is defined as any period of time exceeding thirty days in which
8 respondent is not engaging in any activities defined in Sections 2902 and 2903 of the
9 Business and Professions Code. During periods of non-practice, the probationary period
10 is tolled and respondent's license or registration shall be placed on inactive status. The
11 probationary period will not commence again until respondent activates his or her license
12 and resumes practicing psychology in the state of California. However, the Board may
13 require respondent to complete certain terms of probation that are not associated with
14 active practice and respondent will be required to pay cost recovery and restitution as
15 ordered.

16 15. EMPLOYMENT AND SUPERVISION OF TRAINEES If
17 respondent is licensed as a psychologist, he/she shall not employ or supervise or apply to
18 employ or supervise psychological assistants, interns or trainees during the course of this
19 probation. Any such supervisory relationship in existence on the effective date of this
20 probation shall be terminated by respondent and/or the Board.

21 16. FUTURE REGISTRATION OR LICENSURE If respondent is
22 registered as a psychological assistant or registered psychologist and subsequently obtains
23 other psychological assistant or registered psychologist registrations or becomes licensed
24 as a psychologist during the course of this probationary order, this Decision shall remain
25 in full force and effect until the probationary period is successfully terminated. Future
26 registrations or licensure shall not be approved, however, until respondent is currently in
27 compliance with all of the terms and conditions of probation.

28 17. VIOLATION OF PROBATION If respondent violates probation

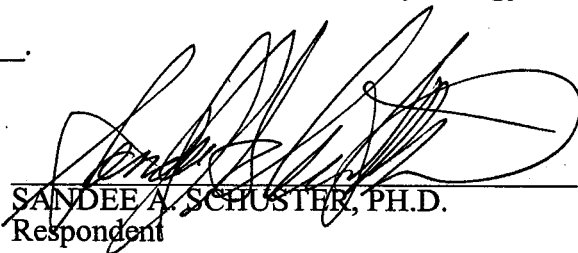
1 in any respect, the Board may, after giving respondent notice and the opportunity to be
2 heard, revoke probation and carry out the disciplinary order that was stayed. If an
3 Accusation or Petition to Revoke Probation is filed against respondent during probation,
4 the Board shall have continuing jurisdiction until the matter is final, and the period of
5 probation shall be extended until the matter is final. No Petition for Modification or
6 Termination of Probation shall be considered while there is an Accusation or Petition to
7 Revoke Probation pending against respondent.

8 18. COMPLETION OF PROBATION Upon successful completion
9 of probation, respondent's license shall be fully restored.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary
12 Order and have fully discussed it with my attorney, H.R. Cromwell, III. I understand the
13 stipulation and the effect it will have on my Psychologist License. I enter into this
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
15 and agree to be bound by the Decision and Order of the Board of Psychology.

16 DATED: 2/18/05.

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18 
19 SANDEE A. SCHUSTER, PH.D.
20 Respondent

21 I have read and fully discussed with Respondent Sandee A. Schuster,
22 Ph.D. the terms and conditions and other matters contained in the above Stipulated
23 Settlement and Disciplinary Order. I approve its form and content.

24 DATED: 2-18-05.

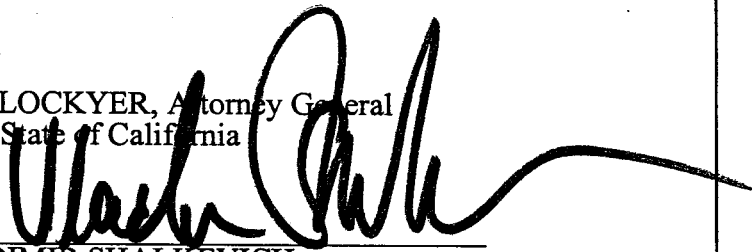
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26 
27 H.R. CROMWELL, III
28 Attorney for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby
3 respectfully submitted for consideration by the Board of Psychology of the Department of
4 Consumer Affairs.

5
6 DATED: 2-18-05

7 BILL LOCKYER, Attorney General
8 of the State of California

9 
10 VLADIMIR SHALKEVICH
11 Deputy Attorney General

12 Attorneys for Complainant

13 DOJ Docket/Matter ID Number: 03598160-LA04AD0030
14 settlement agreement.wpd

Exhibit A
Accusation No. W267

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD AVILA, State Bar No. 91214
Deputy Attorney General
3 DIANE M. L. TAN,
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-8764
6 Facsimile: (213) 897-1071

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. W267

12 SANDEE ANN SCHUSTER, PH.D.
13 1930 So. Brea Canyon Rd., C-270
Diamond Bar, California 91765

A C C U S A T I O N

14 Psychologist License No. PSY 9337,

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
21 Affairs ("Board").

22 2. On or about February 24, 1986, the Board issued Psychologist License
23 Number PSY 9337 to Sandee Ann Schuster, Ph.D. (Respondent). The Psychologist License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 October 31, 2005, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the
28 following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 2960 of the Code states:

3 The board may refuse to issue any registration or license, or may issue a
4 registration or license with terms and conditions, or may suspend or revoke the
5 registration or license of any registrant or licensee if the applicant, registrant, or licensee
6 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
7 be limited to:

8 (a) Conviction of a crime substantially related to the qualifications, functions or
9 duties of a psychologist or psychological assistant.

10 (b) Use of any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic
12 beverage to an extent or in a manner dangerous to himself or herself, any other person, or
13 the public, or to an extent that this use impairs his or her ability to perform the work of a
14 psychologist with safety to the public.

15 (c) Fraudulently or neglectfully misrepresenting the type or status of license or
16 registration actually held.

17 (d) Impersonating another person holding a psychology license or allowing
18 another person to use his or her license or registration.

19 (e) Using fraud or deception in applying for a license or registration or in passing
20 the examination provided for in this chapter.

21 (f) Paying, or offering to pay, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

23 (g) Violating Section 17500.

24 (h) Willful, unauthorized communication of information received in professional
25 confidence.

26 (i) Violating any rule of professional conduct promulgated by the board and set
27 forth in regulations duly adopted under this chapter.

28 (j) Being grossly negligent in the practice of his or her profession.

1 (k) Violating any of the provisions of this chapter or regulations duly adopted
2 thereunder.

3 (l) The aiding or abetting of any person to engage in the unlawful practice of
4 psychology.

5 (m) The suspension, revocation or imposition of probationary conditions by
6 another state or country of a license or certificate to practice psychology or as a
7 psychological assistant issued by that state or country to a person also holding a license or
8 registration issued under this chapter if the act for which the disciplinary action was taken
9 constitutes a violation of this section.

10 (n) The commission of any dishonest, corrupt, or fraudulent act.

11 (o) Any act of sexual abuse, or sexual relations with a patient or former patient
12 within two years following termination of therapy, or sexual misconduct that is
13 substantially related to the qualifications, functions or duties of a psychologist or
14 psychological assistant or registered psychologist.

15 (p) Functioning outside of his or her particular field or fields of competence as
16 established by his or her education, training, and experience.

17 (q) Willful failure to submit, on behalf of an applicant for licensure, verification
18 of supervised experience to the board.

19 (r) Repeated acts of negligence.

20 5. Section 2964.6 of the Code states:

21 An administrative disciplinary decision that imposes terms of probation may
22 include, among other things, a requirement that the licensee who is being placed on probation
23 pay the monetary costs associated with monitoring the probation.

24 6. Section 125.3 of the Code states, in pertinent part, that the Board may
25 request the administrative law judge to direct a licensee found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

28 ///

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

7. Respondent is subject to disciplinary action under section 2960, subdivision (j) of the Code, in that respondent engaged in acts and omissions in the care and treatment of a client constituting an extreme departure from the standard of practice. The circumstances are as follows:

A. Prior to October 23, 2001, Mohammed A. N. was convicted of conspiracy to commit counterfeiting and sentenced to serve 31 months in federal prison, followed by a probation of three (3) years. Around the same time, Mohammed was convicted in state court of operating a vehicle without consent and sentenced to 30 months in state prison, followed by a probation of seven (7) years.

B. Sometime in January 2002, Mohammed's federal probation officer, Anna Maria Tejada, insisted that he undergo weekly psychological counseling, or risk being returned to prison. The United States Probation Office, through its existing contract with Detection and Treatment Resources, Inc. (hereinafter "DTR"), arranged for Mohammed to receive weekly psychological counseling from respondent at her office, located at the Sur bow Center, 1930 South Brea Canyon Road, Suite C-270, in Diamond Bar. Under this arrangement, respondent was to submit her monthly bills for the treatment of Mohammed to DTR for payment. The initial counseling session for Mohammed under this arrangement was performed by respondent on October 23, 2001. Mohammed arrived at respondent's office with a prior evaluation report noting the presence of Dysthymic and Anxiety Disorders NOS, which affect mood, superimposed upon the need to rule out Anti-Social Personality Disorder.

C. Respondent submitted bills for one-hour counseling sessions provided to Mohammed to DTR for the following dates: December 11, 20 and 28, 2001; January 2, 10, 14, 21 and 28, 2002; February 4, 12, 19, 26, 2002; March 5, 14, 21 and 28, 2002; April 2, 9, 16, 23 and 30, 2002. In sum, respondent billed for twenty-one hourly sessions with Mohammed during the period December 11, 2001 through April 30, 2002,

1 at the rate of \$50 per session, totaling \$1,050.00.

2 D. During the period December 11, 2001 through April 30, 2002,
3 Mohammed received two hourly counseling sessions during the evening from
4 respondent, and five hourly counseling sessions during the daytime from respondent, but
5 nine-out-of-ten of the remaining 14 sessions lasted only 5-to-10 minutes. For these
6 shortened sessions, respondent instructed Mohammed to record his attendance on
7 respondent's office sign-in sheet and then leave without receiving any counseling or
8 therapy. Concerned that this practice might jeopardize his probation status, which was
9 scheduled for completion on October 2, 2003, Mohammed turned to a private investigator
10 for assistance.

11 E. On or about February 1, 2002, Mohammed engaged Private
12 Investigator Michael R. Wood to help him document the bogus counseling
13 sessions which respondent was having him document.

14 F. On or about February 12, 2002, Wood videotaped Mohammed
15 entering respondent's office at 10:44 a.m. for his scheduled appointment and exiting the
16 office at 10:54 a.m. Wood had also equipped Mohammed with an audiotape recorder to
17 capture any conversations he had in the office during this visit. The recording made by
18 Mohammed at this time revealed respondent instructing Mohammed to sign the office
19 appointment log for the normal starting session time of 10:45 a.m. and to write an ending
20 time of 11:45 a.m. in the same log. The same recording reveals respondent saying to
21 Mohammed: "I'm keeping you legit, you see what I'm saying?"

22 G. On or about February 26, 2002, Wood videotaped Mohammed
23 entering respondent's office at 10:44 a.m. for his scheduled appointment and exiting
24 therefrom at 10:51 a.m. As with the office visit of February 12, 2002, Mohammed was
25 equipped with an audiotape recorder. The recording made by Mohammed at this time
26 revealed respondent instructing Mohammed to sign the office appointment log to reflect
27 his participation in an hourly counseling session.

28 H. On or about March 28, 2002, Mohammed returned for a regularly

1 scheduled visit to respondent's office, again equipped with an audiotape recorder. The
2 recording made by Mohammed during this visit disclosed that he spent only a few
3 minutes in the office without receiving any counseling before signing-out and leaving,
4 and respondent's comments regarding Mohammed's attire.

5 I. On or about May 29, 2002, Mohammed filed a complaint about the
6 abbreviated counseling sessions he was receiving from respondent with the United States
7 Probation Office. Mohammed's complaint was accompanied by copies of the video and
8 audio tapes made of his visits to respondent's office on February 12 and 26, 2002, and
9 March 28, 2002. This complaint was referred to DTR.

10 J. On or about June 20, 2002, respondent was interviewed by Dennis
11 McGorman and Durene Truchon, chief executive officer and clinical director of DTR,
12 respectively. During this interview, respondent admitted that she had instructed
13 Mohammed to document full hourly sessions during the visits of February 12 and 26,
14 2002, and March 28, 2002, when in fact no counseling had been provided by respondent
15 to Mohammed on said dates. Respondent was unable to explain why she did not bill for
16 15 minute sessions for said dates, or why she never informed DTR that Mohammed was
17 not benefiting from counseling, or why she never informed DTR that Mohammed was not
18 attending the scheduled sessions or remaining for full hourly sessions. As a result of this
19 interview, DTR refused to pay respondent for the 21 hourly sessions she had billed for
20 counseling Mohammed during the period December 20, 2001 through April 30, 2002.
21 The contract to serve federal probationers between DTR and respondent was terminated,
22 and DTR required respondent to coordinate the immediate transfer of all of her assigned
23 DTR clients to other psychologists.

24 K. The American Psychological Association's Ethical Principles of
25 Psychologists and Code of Conduct (1992), applicable during the period December 20,
26 2001 through April 30, 2002, provides, in part, as follows: (1) Psychologists shall
27 minimize harm where it is foreseeable and avoidable [see, § 1.14]. (2) Psychologists are
28 prohibited from using their practice to exploit clients [see, § 1.19]. (3) Psychologists are

1 prohibited from billing for services to clients in a dishonest, fraudulent or false manner
2 [see, § 1.25 (b), (d)]. (4) Psychologists are required to provide accurate reporting to
3 payers and funding sources regarding the nature of the services provided and their fees
4 [see, § 1.26]. (5) Psychologists are required to establish and maintain the structural
5 boundaries of the psychotherapeutic relationship with the client from the beginning and
6 throughout the relationship [see, § 4.01]. The standard of practice does not permit billing
7 for treatments at hourly rates when said treatments are provided at less than hourly rates,
8 unless the reasons for the discrepancies are well-founded and well-documented. Under
9 the standard of practice, the treating psychologist is responsible for controlling the
10 structural boundaries of the psychotherapeutic relationship, including the length of each
11 treatment session conducted. Claiming to have performed psychotherapy when none was
12 provided is outside the scope of the standard of practice and is incompetent practice.

13 L. Respondent engaged in an extreme departure from the standard of
14 practice in the care and treatment of Mohammed A. N., as follows:

- 15 (1) By failing to bill for services rendered to a client in an
16 accurate and honest manner, especially for counseling
17 sessions assertedly provided on February 12 and 16, 2002,
18 and March 28, 2002.
- 19 (2) By failing to provide competent psychotherapy to a client
20 during the period December 11, 2001 through April 30,
21 2002.

22 SECOND CAUSE FOR DISCIPLINE

23 (Repeated Negligent Acts)

24 8. Respondent is subject to disciplinary action under section 2960,
25 subdivision (r) of the Code, in that respondent engaged in acts and omissions in the care and
26 treatment of a client constituting multiple departures from the standard of practice. The
27 circumstances are as follows:

- 28 A. The facts and circumstances set forth in above numbered paragraph

1 7 are incorporated by reference herein as if fully set forth.

2 B. Respondent engaged in multiple departures from the standard of
3 practice in the care and treatment of Mohammed A. N., as follows:

4 (1) By failing to bill for services to a client in an accurate and
5 honest manner for 90 percent of the following reported
6 sessions: December 11, 20 and 28, 2001; January 2, 10, 14,
7 21, and 28, 2002; February 4, 12, 19 and 26, 2002; March
8 5, 14, 21 and 28, 2002; and April 2, 9, 16, 23 and 30, 2002;
9 especially the sessions claimed as provided on February 12
10 and 26, 2002, and March 28, 2002.

11 (2) By failing to provide competent psychotherapy to a client
12 during the 21 counseling sessions conducted during the
13 period December 11, 2001 through April 30, 2002.

14 THIRD CAUSE FOR DISCIPLINE

15 (Incompetence)

16 9. Respondent is subject to disciplinary action under section 2960,
17 subdivision (p) of the Code, in that respondent demonstrated a lack of knowledge, judgment and
18 ability in the care and treatment of a patient, in a manner outside the standard of competency.
19 The circumstances are as follows:

20 A. The facts, circumstances and opinions stated at above numbered
21 paragraphs 7 and 8 are incorporated by reference herein as if fully set forth.

22 FOURTH CAUSE FOR DISCIPLINE

23 (Dishonest/Fraudulent Acts)

24 10. Respondent is subject to disciplinary action under section 2960,
25 subdivision (h) of the Code, in that respondent engaged in dishonest, corrupt and fraudulent acts.
26 The circumstances are as follows:

27 A. The facts, circumstances and opinions stated at above numbered
28 paragraphs 7 and 8 are incorporated by reference herein as if fully set forth.

1 PRAYER

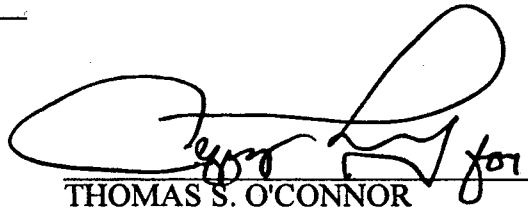
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Psychology issue a decision:

4 1. Revoking or suspending Psychologist License Number PSY 9337, issued
5 to SANDEE ANN SCHUSTER, Ph.D.;

6 2. Ordering SANDEE ANN SCHUSTER, Ph.D. to pay the Board of
7 Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed
8 on probation, the costs of probation monitoring;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: January 16, 2004

11
12 

13 THOMAS S. O'CONNOR
14 Executive Officer
15 Board of Psychology
16 Department of Consumer Affairs
17 State of California
18 Complainant
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DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
against:

Sandee A. Schuster, Ph.D.

No.: W267

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Suite 22, Sacramento, California 95825. I served a true copy of the attached:

Decision and Order

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Sandee A. Schuster, Ph.D.
1930 S. Brea Canyon Road, C-270
Diamond Bar, CA 91765


7003 2260 0007 4804 9781

H.R. Cromwell, III
620 Newport Center Drive, 11th Floor
Newport Beach, CA 92660

Vladimir Shalkevich
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

Each said envelope was then on, May 12, 2005, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, May 12, 2005, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Marsha Guzzi
Enforcement Analyst